

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

GRADUAL TAYLOR : **Case No. 1:02cv446**
:
Plaintiff, : **Judge Weber**
: **(M.J. Black)**
vs. :
CHERYL HART, et al., : **DEFENDANT'S MOTION FOR**
: **ORDER TO UNSEAL**
: **OFFICIAL RECORDS**
Defendants. :

Now comes defendant, Cheryl Hart, and moves the Court, pursuant to the provisions of Ohio Revised Code § 2953.53(D)(2), for an order permitting her, through her legal counsel herein, to obtain the sealed records, including transcriptions of all relevant court proceedings in Hamilton County Municipal Court Case No. 00CRB6706, *State of Ohio v. Gradual Taylor*. This motion is supported by the following memorandum.

Respectfully submitted,

/s/ Donald E. Hardin
Donald E. Hardin (Ohio Reg. #0022095)
Co-Counsel for Defendant Cheryl Hart
HARDIN, LEFTON, LAZARUS & MARKS, LLC
915 Cincinnati Club Building
30 Garfield Place
Cincinnati, OH 45202-4322
(513) 721-7300

MEMORANDUM

On February 21, 2000, Defendant Cincinnati Police Officer Cheryl Hart was working an undercover assignment, posing as a prostitute, when Plaintiff Gradual Taylor was arrested and charged with violating Ohio Rev. Code §2907.24.1(A), "Loitering to engage in solicitation." The criminal case against Plaintiff was ultimately dismissed on June 15, 2000.

Plaintiff filed the case herein alleging numerous constitutional violations. At this stage in the litigation, a federal malicious prosecution claim is the only remaining issue.

In order to determine why the criminal case was dismissed, Defendant Hart attempted to obtain transcripts of the criminal proceedings, but was unable to because Plaintiff has had his criminal case expunged and all court records sealed.

Ohio Revised Code § 2953.53(D)(2) allows the release of sealed records "to a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case."

The records, including the transcripts of the criminal trial are critical to Defendant Hart's defense herein. Therefore, Defendant Hart respectfully requests that this Court issue an order directed to the Clerk of Courts of Hamilton County, Ohio, allowing defense counsel to obtain the sealed criminal records in Hamilton County Municipal Court Case No. 00CRB6706, *State of Ohio v. Gradual Taylor*, as well as transcripts of all court proceedings in said case.

Respectfully submitted,

/s/ Donald E. Hardin
Donald E. Hardin (Ohio Reg. #0022095)
Co-Counsel for Defendant Cheryl Hart
HARDIN, LEFTON, LAZARUS & MARKS, LLC
30 Garfield Place, Suite 915
Cincinnati, OH 45202-4322
(513) 721-7300

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2007, a true and accurate copy of the foregoing Motion for Order to Unseal Official Records was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Donald E. Hardin
Donald E. Hardin (00220950)